

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1288

Introduced by Beutler, 28

Read first time January 18, 2000

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure; to
2 amend sections 49-1447, 49-1453, 49-1463.01, 49-1466, and
3 49-14,123, Reissue Revised Statutes of Nebraska, and
4 section 49-1401, Revised Statutes Supplement, 1999; to
5 change provisions relating to committee treasurers and
6 dissolution of committees; to provide bonding
7 requirements; to provide for the accrual of interest on
8 late filing fees and civil penalties; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1401, Revised Statutes Supplement,
2 1999, is amended to read:

3 49-1401. Sections 49-1401 to 49-14,141 and sections 3
4 and 7 of this act shall be known and may be cited as the Nebraska
5 Political Accountability and Disclosure Act. Any reference to
6 sections 49-1401 to 49-14,138 shall be construed to include
7 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August
8 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be
9 construed to include sections 49-14,123.01 and 49-14,140.

10 Sec. 2. Section 49-1447, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1447. (1) The committee treasurer shall keep detailed
13 accounts, records, bills, and receipts necessary to substantiate
14 the information contained in a statement or report filed pursuant
15 to sections 49-1445 to 49-1479 or rules and regulations adopted and
16 promulgated under ~~sections 49-1401 to 49-14,138~~ the Nebraska
17 Political Accountability and Disclosure Act. The treasurer shall
18 be responsible for filing all statements and reports of the
19 committee required to be filed under the act or the Campaign
20 Finance Limitation Act and shall be personally liable subject to
21 section 3 of this act for any late filing fees, civil penalties,
22 and interest that may be due under either act as a result of a
23 failure to make such filings.

24 (2) The treasurer shall record the name and address of
25 each person from whom a contribution is received except for
26 contributions of fifty dollars or less received pursuant to
27 subsection (2) of section 49-1472.

28 (3) The records of a committee shall be preserved for

1 five years and shall be made available for inspection as authorized
2 by the commission.

3 (4) Any person violating the provisions of this section
4 shall be guilty of a Class III misdemeanor.

5 Sec. 3. A ballot question committee shall file with the
6 commission a surety bond running in favor of the State of Nebraska
7 with surety by a corporate bonding company authorized to do
8 business in this state and conditioned upon the payment of all
9 fees, penalties, and interest which may be imposed under the
10 Nebraska Political Accountability and Disclosure Act. A bond in
11 the amount of five thousand dollars shall be filed when the
12 committee receives contributions or makes expenditures in excess of
13 one hundred thousand dollars in a calendar year, and the amount of
14 the bond shall be increased by five thousand dollars for each
15 additional five hundred thousand dollars received or expended in a
16 calendar year. Any failure to pay late filing fees, civil
17 penalties, or interest due under the act shall be recovered from
18 the proceeds of the bond prior to recovery from the treasurer of
19 the committee.

20 Any person violating the provisions of this section shall
21 be guilty of a Class III misdemeanor.

22 Sec. 4. Section 49-1453, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 49-1453. A committee may be dissolved by the filing of a
25 statement of dissolution with the commission, the payment of all
26 fees, penalties, and interest which may be owed, and complying with
27 the rules and regulations of the commission for dissolution of
28 committees. No committee shall be dissolved until such statement

1 is filed and such payments are made. Upon the dissolution of a
2 ~~committee, a statement indicating dissolution shall be filed with~~
3 ~~the filing officials with whom the committee's statement of~~
4 ~~organization was filed.~~ Dissolution of a committee shall be
5 accomplished in accordance with rules promulgated by the
6 ~~commission.~~

7 Sec. 5. Section 49-1463.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-1463.01. (1) A person required to pay a late filing
10 fee imposed under section 32-1604.01, 49-1446.05, 49-1449, 49-1458,
11 49-1463, 49-1467, 49-1469, or 49-1479.01 may apply to the
12 commission for relief. The commission by order may reduce the
13 amount of a late filing fee imposed and waive any or all of the
14 interest due on the fee upon a showing by such person that ~~(1)~~ (a)
15 the circumstances indicate no intent to file late, ~~(2)~~ (b) the
16 person has not been required to pay late filing fees for two years
17 prior to the time the filing was due, ~~(3)~~ (c) the late filing shows
18 that less than five thousand dollars was raised, received, or
19 expended during the reporting period, and ~~(4)~~ (d) a reduction of
20 the late fees and waiver of interest would not frustrate the
21 purposes of the Nebraska Political Accountability and Disclosure
22 Act.

23 (2) A person required to pay a late filing fee imposed
24 for failure to file a statement of exemption under subsection (2)
25 of section 49-1459 may apply to the commission for relief. The
26 commission by order may reduce or waive the late filing fee and
27 wave any or all of the interest due on the fee, and the person
28 shall not be required to make a showing as provided by subsection

1 (1) of this section.

2 Sec. 6. Section 49-1466, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 49-1466. Any person, who after being a candidate for
5 office ~~terminates~~ dissolves the candidate committee as provided in
6 section 49-1453, may transfer any unexpended funds from such
7 ~~terminated~~ committee to another candidate committee, a political
8 party committee, or a tax-exempt charitable institution, or may
9 return such unexpended funds to the contributors of the funds upon
10 ~~termination~~ dissolution of the ~~campaign~~ candidate committee.

11 Sec. 7. Interest shall accrue on all late filing fees
12 and civil penalties imposed under the Nebraska Political
13 Accountability and Disclosure Act beginning thirty days after the
14 assessment of the fee or penalty at the rate specified in section
15 45-104.02, as such rate may from time to time be adjusted.

16 Sec. 8. Section 49-14,123, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-14,123. In addition to any other duties prescribed by
19 law, the commission shall:

20 (1) Prescribe and publish, after notice and opportunity
21 for public comment, rules and regulations to carry out the Campaign
22 Finance Limitation Act and the Nebraska Political Accountability
23 and Disclosure Act pursuant to the Administrative Procedure Act;

24 (2) Prescribe forms for statements and reports required
25 to be filed pursuant to the Campaign Finance Limitation Act and the
26 Nebraska Political Accountability and Disclosure Act and furnish
27 such forms to persons required to file such statements and reports;

28 (3) Prepare and publish one or more manuals explaining

1 the duties of all persons and other entities required to file
2 statements and reports by the acts and setting forth recommended
3 uniform methods of accounting and reporting for such filings;

4 (4) Accept and file any reasonable amount of information
5 voluntarily supplied that exceeds the requirements of the acts;

6 (5) Make statements and reports filed with the commission
7 available for public inspection and copying during regular office
8 hours and make copying facilities available at a cost of not more
9 than fifty cents per page;

10 (6) Compile and maintain an index of all reports and
11 statements filed with the commission to facilitate public access to
12 such reports and statements;

13 (7) Prepare and publish summaries of statements and
14 reports filed with the commission and special reports and technical
15 studies to further the purposes of the acts;

16 (8) Review all statements and reports filed with the
17 commission in order to ascertain whether any person has failed to
18 file a required statement or has filed a deficient statement;

19 (9) Preserve statements and reports filed with the
20 commission for a period of not less than five years from the date
21 of receipt;

22 (10) Issue and publish advisory opinions on the
23 requirements of the acts upon the request of a person or
24 governmental body directly covered or affected by the acts. Any
25 such opinion rendered by the commission, until amended or revoked,
26 shall be binding on the commission in any subsequent charges
27 concerning the person or public body who requested the opinion and
28 who acted in reliance on it in good faith unless material facts

1 were omitted or misstated by the person in the request for the
2 opinion;

3 (11) Act as the primary civil and criminal enforcement
4 agency for violations of the Nebraska Political Accountability and
5 Disclosure Act and the rules or regulations promulgated thereunder,
6 act as the primary civil enforcement agency for violations of the
7 Campaign Finance Limitation Act and the rules or regulations
8 promulgated thereunder, and act concurrently with the Attorney
9 General in prosecuting criminal violations of the Campaign Finance
10 Limitation Act;

11 (12) Receive all late filing fees, ~~and~~ civil penalties,
12 and interest imposed pursuant to the Campaign Finance Limitation
13 Act or the Nebraska Political Accountability and Disclosure Act,
14 seek the return of any amount as provided in section 32-1606, and
15 seek the repayment of any amount as provided in section 32-1607 and
16 remit all such funds to the State Treasurer for credit to the
17 Campaign Finance Limitation Cash Fund; and

18 (13) Prepare and distribute to the appropriate local
19 officials statements of financial interest, campaign committee
20 organization forms, filing instructions and forms, and such other
21 forms as the commission may deem appropriate.

22 Sec. 9. Original sections 49-1447, 49-1453, 49-1463.01,
23 49-1466, and 49-14,123, Reissue Revised Statutes of Nebraska, and
24 section 49-1401, Revised Statutes Supplement, 1999, are repealed.